



THE ATTORNEY GENERAL  
OF TEXAS

AUSTIN, TEXAS 78711

RAWFORD C. MARTIN  
ATTORNEY GENERAL

February 16, 1970

Honorable Gayle R. Carden  
County Attorney, Hunt County  
County Courthouse  
Greenville, Texas 75401

Opinion No. M-579

Re: Legal authority of the  
Commissioner's Court of  
Hunt County to establish  
procedures concerning the  
custody and control of  
monies received by various  
offices of the county.

Dear Mr. Carden:

You have requested an opinion on the following two  
questions:

"1. May the Hunt County Commissioner's  
Court legally establish financial procedures  
and also establish internal and inter-office  
control of monies received by the various  
offices of the County?

"2. May the Hunt County Commissioner's  
Court legally order each office of the County  
to turn in all monies received for the day,  
and to deposit the same with the County  
Treasurer, by a certain time of the day, for  
each business day?"

In answering the inquiries, we begin with the  
proposition that the Commissioner's Court of a county has  
only such powers as are expressly or by necessary implication  
given it by the Constitution and statutes of this State.  
Mills v. Lampasas County, 90 Tex. 606, 40 S.W. 403 (1897),  
Canales v. Laughlin, 147 Tex. 169, 214 S.W.2d 451 (1948).

It is also a well settled principle of law that  
where the Legislature prescribes a definite, certain method of  
procedure for a city or county, all other methods are by im-  
plication of law excluded. Foster v. City of Waco, 113 Tex.  
352, 255 S.W. 1104 (1923).

This office held in Attorney General's Opinion  
No. C-276 (1964) that under the provisions of Articles 1651,

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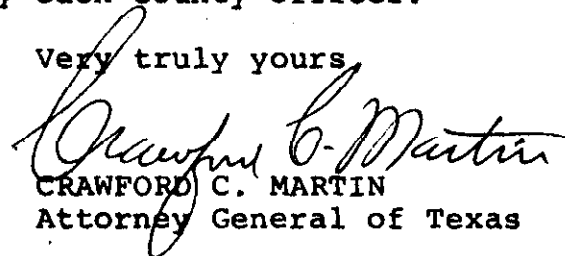
1656, and 1657 of Vernon's Civil Statutes, the County Auditor rather than the County Treasurer had the responsibility, consistent with the statutes, to recommend county financial procedures and to suggest internal and inter-office control, specifically as to the manner and mode of transmitting funds to the County Treasurer for deposit in the county depository.

You are therefore advised that the Commissioner's Court does not have the authority to establish financial procedures in the handling of cash by each county officer.

S U M M A R Y

The Commissioner's Court does not have the authority to establish financial procedures in the handling of cash by each county officer.

Very truly yours,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by William J. Craig  
Assistant Attorney General

APPROVED:  
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